

## **ORDINANCE NO. 2011-02-02**

### **AN ORDINANCE RELATING TO THE SALE OF ALCOHOLIC BEVERAGES BY KEG**

WHEREAS, the consumption of alcoholic beverages by persons of non-age (those under 21 years of age) is illegal and a continuing and persistent practice and social issue within the City of Sterling, Illinois; and

WHEREAS, one of the means by which persons of non-age acquire alcoholic beverages for their consumption is by the purchase of such beverages in quantity in kegs, a container holding alcoholic beverages in a quantity of five or more gallons from which the beverage is dispensed; and

WHEREAS, kegs are returnable to the merchant or licensee from which the keg is acquired, and provides a convenient and efficient method by which the sale of alcoholic beverages may be monitored.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STERLING, ILLINOIS, that the City Code is hereby amended as follows:

1. That Section 6-2 of the City Code is amended by adding the definition of keg, to-wit:

“Keg means a container designed and capable of holding beer or other fermented alcoholic liquor in a quantity of five or more gallons from which the beverage is dispensed by and through a separate device or apparatus, typically referred to as a “tap” or “tapper”, attached to or inserted into the container.”

2. The City Code of the City of Sterling, Illinois is hereby amended by the addition of the following as Section 6-39(a)9:

“Section 6-39(a)9. Keg Sales; Registration; Requirements.

- (i) *Keg sales permitted.* Holders of Class A, E & G licenses issued pursuant to this Chapter shall be permitted to sell kegs, as defined herein, for consumption off the licensed premises provided the requirements of this Section are met. The licensee shall cause to be affixed and attached to each keg sold an individual keg registration label or sticker by which the keg is individually and uniquely identified, in the form provided by the Liquor Control Commissioner of the City. Such label or sticker shall be distributed by the Liquor Control Commissioner of the City. Such label or sticker shall be distributed by the Liquor Control Commission only to licensees permitted to sell kegs pursuant to this Section, and a record of the identification labels or stickers, referring to the unique identifier, shall be maintained by the Liquor Control Commissioner. A separate

identification label or sticker shall be used by each licensee for each keg sold, and no label or sticker shall be used for more than one keg sold, nor re-used following return, for any subsequent keg sale.

At the time of sale of any keg, the licensee shall require the purchaser thereof to exhibit current government issued photo identification with the name, address, birth date, and individual identifying number of the purchaser.

(ii) *Licensee to maintain record of information.* Each licensee shall create and maintain a permanent record into which: (i) the unique identifying information of each keg label or sticker; (ii) the personal identification of the purchaser thereof; (iii) the name and other identifying information of the specific employee or person who delivered and sold the keg to the purchaser thereof; and (iv) the date and time of the sale required shall be entered, kept and utilized as required herein. The permanent record shall be made available for inspection, examination, or copying by the Liquor Control Commissioner or any law enforcement officer at any time, and shall be located and kept on the premises to which the license is issued.

(iii) *Deposit.* A licensee shall collect from each keg purchaser a deposit in an amount determined by the licensee, but not less than \$75.00, and each purchaser of a keg shall be required to return the keg and the tapping device or apparatus to the licensee from which purchased. The licensee shall advise and require the purchaser to return each individual keg with the individual and specific registration label/sticker attached, intact and legible at the time of return. Each keg shall be returned within 60 days from the date of sale, and if the keg is not returned within that time, the deposit shall be forfeited to the licensee. If any keg shall not be returned within the 60 day period, the licensee shall notify the Liquor Control Commissioner of the City and shall provide the name, address and other identifying information of the purchaser to the Liquor Control Commissioner, together with the identifying information of the specific registration label/sticker affixed to the keg. Upon return of any keg, the licensee shall record the date on which the keg is returned, the name and identifying information of the person returning the keg, and shall note in the permanent record required by paragraph (b) hereof whether the specific keg identification label or sticker is present or absent. Upon return of a keg, the individual specific keg registration label or sticker shall be removed by the licensee thereof, and such sticker shall then be destroyed.

(iv) *Limitation on number of keg sales.* No licensee shall sell to a single purchaser as a part of any individual sale, kegs with capacity of more than 30 gallons cumulatively.

(v) *Additional duties of Licensee.* At the time of the sale of any keg, the licensee shall require the purchaser of the keg to sign under penalty of perjury a declaration and receipt for the keg, in form as required by the Liquor Control Commissioner, and shall give a copy thereof to the purchaser, and the Declaration shall state that:

(aa) The purchaser will not remove, obliterate or allow to be removed or obliterated, the identification label or sticker required to be affixed to the keg by this Section;

(bb) The particular address where the contents of the keg will be consumed, or the particular address where the keg will be physically located;

(cc) The purchaser acknowledges that it is his or her duty to maintain a copy of the Declaration next to or adjacent to the keg during the time that the keg is in the purchaser's possession or control;

(dd) The purchaser acknowledges and agrees that it is his or her duty to prohibit the consumption of the beverage contents of the keg by any person under the age of 21 years.

The licensee shall not sell or deliver a keg to a purchaser until the Declaration has been signed by the purchaser identified to the licensee. Any purchaser who shall move or transport the keg and allow the contents thereof to be consumed at a location different from that stated in the Declaration shall be guilty of a violation of this Section, and such violation shall be a Class A violation, subject to penalty as provided in Section 1-7 of the City Code of the City.

(vi) *Not applicable to certain sales.* The requirements of this Section shall not apply to a sale of a keg to any person, firm, or corporation holding a license issued by any governmental entity for the sale at wholesale or retail of alcoholic liquor or beverages, and it is the intent of this Section to apply only to sales of kegs at retail."

3. If any section, paragraph, sentence, phrase or clause of this Ordinance is held or declared by a court of competent jurisdiction to be invalid or unconstitutional, such holding or declaration of invalidity or unconstitutionality shall not affect the validity of the remaining provisions of this Ordinance.

4. This Ordinance shall be effective upon its adoption, passage, and publication in pamphlet form.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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MAYOR

ATTEST:

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CITY CLERK